

AMENDMENTS TO THE DRAWINGS

Please replace Sheet 3 of 8 with the Replacement Sheet (see attached).

Please replace Sheet 6 of 8 with the Second Replacement Sheet (see attached).

REMARKS

Summary of the Amendment

Upon entry of the present Amendment, Claim 19 will have been amended, and new Claims 24-30 will have been added. Furthermore, the Drawings (sheets 3 and 6) will have been amended.

Proposed Amendment to the Drawings

Replacements Sheet 3 (of 8) and a Second Replacement Sheet 6 (of 8) for proposed amendments to Figures 4 and 9 have been submitted for consideration.

With regard to Figure 4, it is noted that “Ce” as described in the specification (see page 13, line 17) was inadvertently admitted from Figure 4.

With regard to Figure 9, it is noted that “S” as described in the specification (see page 5, paragraph [0042], line 3) was inadvertently admitted from Figure 9.

Accordingly, Applicant respectfully requests the Examiner to indicate approval of the aforementioned amendments shown in Replacement Sheet 3 (of 8) and the Second Replacement Sheet 6 (of 8) for Figure 8.

Traversal of Rejection under 35 U.S.C. § 103(a)

Applicant traverses the rejection of Claims 19-23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,644,375 to SUZUKI in view of JP Publication No. 09-181340 to TATEKI.

As best understood, the Examiner admits that SUZUKI does not teach each photodetector including a plurality of light receiving elements separated by a separating band having a width L and shifted a distance D which is greater than the width L of the separating band with respect to a plane perpendicular to the optical axis of the optical transmission device and a mirror which is adjustable.

Then the Examiner submits that TATEKI teaches a plurality (four quadrisected, 22a, Fig. 8) of light receiving elements (see Figs. 25 and 34) separated by a separating band having a width L and shifted a distance D which is greater than the width L of the separating band with respect to a plane perpendicular to the optical axis of the optical

transmission device (submitting that since the alignment of the optical is adjustable therefore any kind of shifting distance is (e.g. $D > L$), see also [0008-0010], [0022-0026]) and a mirror (mirror 4a, Fig. 32) which is adjustable ([0007]).

Next, the Examiner submits that it would have been obvious to incorporate the method of plurality of light receiving elements and adjustable mirror as taught by TATEKI into the optical transmission system of SUZUKI so that the at least two other light-receiving photo detectors (37 and 16) can be arranged to receive positions and the at least two light-receiving photo detectors can be shifted a distance D which is greater than the width of the separating band with respect to a plane perpendicular to the optical axis of the optical transmission device and an adjustable mirror to align to an optical axis.

An Aspect of the Present Invention:

An aspect of the present invention is that it provides an optical transmission device having an advantage of being able to accurately detect a position in a plane perpendicular to an optical axis.

Re SUZUKI:

On the contrary, SUZUKI relates to an ophthalmic apparatus and quite different from the present invention. In particular, SUZUKI is not configured to perform two-way communication with other optical transmission devices which are spatially separated from the optical transmission device.

Moreover, another difference between the present invention and SUZUKI exists which is described below. A TV camera 16 is an imaging device to actually photograph an eye. There is a filter 14, which has a characteristic of not transmitting a light emitted from a light source 41, on an optical path to the TV camera 16 via an eye to be examined. A detecting element 37 detects a position of an eye to be examined in vertical and horizontal directions on the basis of a position on the detecting element where a luminous flux, which is emitted from a light source 31 or a light source 17 and passing through the eye to be examined, enters. There is a filter 14, which has a characteristic of not transmitting a light emitted from the light source 41, on the optical path to the detecting element 37 via an eye to be examined, in the same manner as on the optical path to the

TV camera 16 as mentioned above. A one-dimensional position detecting element 53 receives a luminous flux emitted from the light source 41 and passing through an eye to be examined so as to detect a relative distance from the ophthalmic apparatus to the eye to be examined. There is a filter 52, which has a characteristic of not transmitting lights emitted from the light sources 17 and 31, on the optical path to the one-dimensional position detecting element 53 via an eye to be examined.

In other words, at least two other light receiving photodetectors of SUZUKI (detecting element 37 and the one-dimensional position detecting element 53), which are recognized by the Examiner, receive a luminous flux from light sources different from each other, and each of the light receiving photodetectors independently detects a position of an eye to be examined in perpendicular and horizontal directions and a relative distance from the eye to be examined to the ophthalmic apparatus.

Independent Claim 19:

As amended, base Claim 19 now recites, *inter alia*, [a]n optical transmission device ***configured to perform two-way communication with other optical transmission devices which are spatially separated from the optical transmission device . . .*** In other words, the at least two other light-receiving photodetectors receive a luminous flux from a common light-emitting element and detect a position in a direction perpendicular to an optical axis using the detection result.

In contrast, according to SUZUKI one of the two detecting elements 37 and 53 detects a position in a direction perpendicular to an optical axis, and the other detects a position in a direction parallel to the optical axis. As a result, the invention recited in Claim 19 different from that of SUZUKI in this respect. Furthermore, it is also apparent TATEKI does not teach or suggest the aforementioned features recited in Claim 19.

Because neither SUZUKI nor TATEKI, teach or suggest, *inter alia*, . . . [a]n optical transmission device ***configured to perform two-way communication with other optical transmission devices which are spatially separated from the optical transmission device . . .*** ; the invention recited in independent Claim 19 still does not result. ***That is to say, even if (assuming arguendo) SUZUKI and TATEKI were***

properly combined, the claimed invention recited in independent Claim 19 still would not result.

Since SUZUKI and TATEKI fail to teach or suggest at least the above-noted features, Applicant submits that no proper combination of the references can render unpatentable the combination of features recited in independent Claim 1.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of independent Claim 19 under 35 U.S.C. § 103(a) and indicate that this claim is allowable.

Dependent Claims 20-21 and 24-29:

Furthermore, Applicant submits that dependent Claims 20-21 and 24-29 are allowable at least for the reason that they depend from allowable independent Claim 19 and because they recite additional features that further define the present invention.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of dependent Claims 20-21 and 24-29 under 35 U.S.C. § 103(a) and indicate that these claims are allowable.

New Claim 30 Also Believed to be Allowable

Applicant further submits that new dependent Claim 30 is also allowable for similar reasons discussed above (see *supra*).

Application is Allowable

Applicant respectfully submits that each and every pending claim of the present invention meets the requirements for patentability and respectfully requests the Examiner to indicate allowance of each and every pending claim of the present invention.

CONCLUSION

Applicant respectfully submits that each and every pending claim of the present application meets the requirements for patentability under 35 U.S.C. §§ 112, 101, 102 and 103, and respectfully requests that the Examiner indicate the allowance of such claims.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based on the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

If any additional fee is require, please charge Deposit Account No. 502456.

Should there be any questions or comments, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,

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